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**U.S. District Court  
DISTRICT OF ARIZONA (Prescott Division)  
CRIMINAL DOCKET FOR CASE #: 3:09-cr-08041-FJM All Defendants**

Case title: USA v. Smith

Date Filed: 04/08/2009

Assigned to: Judge Frederick J Martone

**Defendant (1)****Toby Smith****Pending Counts****Disposition**

18:1153, 2244(a)(1) and 2246(3) (CIR -  
Abusive Sexual Contact)  
(1-2)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts****Disposition**

None

**Highest Offense Level (Terminated)**

None

**Complaints****Disposition**

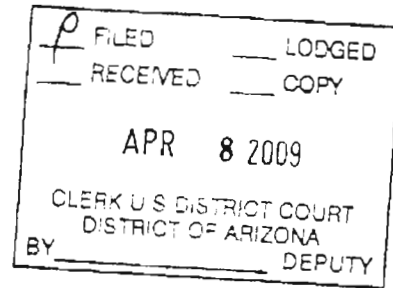
None

**Plaintiff****USA**

represented by **Dyanne Christine Greer**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/08/2009	<u>1</u>	INDICTMENT as to Toby Smith (1) count(s) 1-2. (DMT, ) (Entered: 04/09/2009)
04/08/2009	<u>2</u>	ORDER that the provisions of 18 U.S.C. 3509 apply in this action as to Toby Smith. Signed by Magistrate Judge David K Duncan (PS) on 4/8/09. (see order for details)(DMT, ) (Entered: 04/09/2009)
04/08/2009	<u>3</u>	NOTICE that no probable conflict exists by USA as to Toby Smith (DMT, ) (Entered: 04/09/2009)

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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

9 United States of America,  
10 Plaintiff,  
11 v.  
12 Toby Smith,  
13 Defendant.  
14  
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**CR 09 80 4 1 PCT FJM DKD**  
NO.

**REDACTED**

**INDICTMENT**

VIO: 18 U.S.C. §§ 1153, 2244(a)(1) and  
2246(3)  
(CIR - Abusive Sexual Contact)  
Counts 1 and 2

17 THE GRAND JURY CHARGES:

18 **COUNT 1**

19 On or about May 19, 2006, in the District of Arizona, within the confines of the Navajo  
20 Indian Reservation, Indian Country, the defendant, TOBY SMITH, an Indian, did knowingly  
21 engage in sexual contact with victim, Jane Doe, a child who had not yet attained the age of  
22 twelve years. The sexual contact involved the intentional touching, either directly or through  
23 the clothing, of the victim's breast, with an intent to abuse, humiliate, harass, degrade or arouse  
24 or gratify the sexual desire of any person.

25 In violation of Title 18, United States Code, Sections 1153, 2244(a)(1) and 2246(3).

26 **COUNT 2**

27 On or about May 19, 2006, in the District of Arizona, within the confines of the Navajo  
28 Indian Reservation, Indian Country, the defendant, TOBY SMITH, an Indian, did knowingly

1 engage in sexual contact with victim, Jane Doe, a child who had not yet attained the age of  
2 twelve years. The sexual contact involved the intentional touching, either directly or through the  
3 clothing, of the victim's genitalia, with an intent to abuse, humiliate, harass, degrade or arouse  
4 or gratify the sexual desire of any person.

5 In violation of Title 18, United States Code, Sections 1153, 2244(a)(1) and 2246(3).

6  
7 A TRUE BILL

8 /s/  
FOREPERSON OF THE GRAND JURY  
9 Date: April 8, 2009

10 DIANE J. HUMETEWA  
11 United States Attorney  
12 District of Arizona

13 /s/  
14 DYANNE C. GREER  
15 Assistant U.S. Attorney  
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